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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD DAWNAY JACQUES,

Defendant and Appellant.

B206184

(Los Angeles County
Super. Ct. No. KA081217)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Charles Horan, Judge. Affirmed.

Syda Kosofsky, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Ronald Dawnay Jacques appeals from the judgment entered following a jury trial in which he was convicted in count 1 of misdemeanor battery (Pen. Code, § 242), a lesser offense to battery with serious bodily injury (Pen. Code, § 243, subd. (d)), and in count 2 of misdemeanor assault (Pen. Code, § 240), a lesser offense to assault by means likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)). He was sentenced in count 1 to jail for six months and given credit for 146 days. He received a six-month sentence in count 2 which was stayed pursuant to Penal Code section 654.

On December 20, 2007, appellant waived his right to counsel and represented himself.

On January 8, 2008, appellant's motion to withdraw his pro. per. status was granted.

On February 14, 2008, appellant's motions to set aside the information pursuant to Penal Code section 995 and to change venue were denied. Additionally, his motion pursuant to Evidence Code section 402 to exclude photographs of the victim was denied.

On February 15, 2008, appellant's *Marsden*¹ motion was denied.

The evidence at trial established that on November 20, 2007, at approximately 1:40 a.m., Steven Bailey heard a female yelling, "Help, he's killing me. Why are you hurting me like this?" Bailey called the police. Pomona Police Officer Kristian Gutierrez responded to the call and observed Rebecca Clancy lying in a flower bed with appellant straddling her. Appellant appeared to be striking her. Officer Gutierrez ordered appellant to stop and get up and appellant complied. Clancy had blood all over her face and her blond hair was very red from the blood. She had many injuries on her scalp and had swelling to her lip. Clancy stated appellant "was kicking the shit out of [her]." Officer Gutierrez did not notice any visible injuries to appellant's face or neck and did not notice any cuts on his hands. Officer Gutierrez photographed the blood that was on appellant's hands.

¹ *People v. Marsden* (1970) 2 Cal.3d 118.

Clancy testified appellant hit her numerous times with his fists and had his hands around her throat indicating he was going to “choke [her] out.” Clancy suffered a deep gash over her ear, a swollen jaw, and a chipped tooth. She “skinned” her shoulders, elbows, knees, and hip. Clancy believed that during the course of the attack she lost consciousness. Paramedics suggested she get stitches at the hospital, but she declined.

Appellant testified that he was trying to recover money he had given Clancy for oral sex, which she had failed to perform. Appellant did not strike Clancy, but she may have hit her head when she fell to the ground. Appellant tried to keep Clancy from attacking him. He received a deep gash on his hand that was bleeding profusely. There were no cuts or bruises on Clancy and appellant believed the blood on Clancy was his own.

After review of the record, appellant’s court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On October 29, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider and we have received no response to date.

We have examined the entire record and are satisfied that no arguable issues exist and that appellant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

DISPOSITION

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.